



P.O. Box 603 • Georgetown, CA 95634 • 530-333-1113



March 25, 2013

Jon Jue  
Eldorado National Forest 7600 Wentworth Springs Road  
Georgetown, CA 95634  
By email to: [jjue@fs.fed.us](mailto:jjue@fs.fed.us)

Vickie Sanders, El Dorado County  
By email to: [Vickie.sanders@edcgov.us](mailto:Vickie.sanders@edcgov.us)

Sgt. William Wilson  
El Dorado County Sheriff's Office  
By email to: [wilsonw@edso.org](mailto:wilsonw@edso.org)

Sixto Fernandez  
California State Parks, OHMVR Division  
By email to: [ohvinfo@parks.co.gov](mailto:ohvinfo@parks.co.gov)

Re: Center for Sierra Nevada Conservation (CSNC) and Center for Biological Diversity (CBD) Comments on OHV Grant applications

To Whom It May Concern:

On behalf of the Center for Sierra Nevada Conservation and Center for Biological Diversity, we submit the following comments on the 2012/2013 preliminary State OHMVR grant proposals

Unknown

Field Code Changed

## **General Comments**

All around the State, we hear that District Attorneys are refusing to prosecute OHV offenses, or give a low priority to these prosecutions. Any County receiving State OHV grants should be required to guarantee that violators would be prosecuted to the full extent of the law. Otherwise, Law Enforcement grants are a waste of money.

## **ELDORADO NATIONAL FOREST**

G12-02-03-D02 –Elkins Flat Reroute – We support this project.

G12-02-03-D03 - Wentworth Springs Campground Improvement – While we support replacement and relocation of the vault toilet, we notice the application states there are no known cultural resources in the area. This is not correct. This is an area rich in cultural resources, and there are sites within and adjacent to the campground that need to be avoided and protected. In just the past few years, a site in the campground was damaged when gravel was piled on it. Ordered to remove the gravel, by hand, the contractor instead used equipment and bladed the site, causing damage to the site.

The application does not include funding for a cultural specialist. It should be amended to include cultural surveys, and given the above incident, a cultural specialist must be on site during ground disturbing activities to monitor protection of sites.

G12-02-03-D04 – East Rock Creek Development – We strongly oppose this project. The Environmental Review for this project is 14 years old. The applicant admits the EIS failed to identify the steepness of the planned routes, just one of many flaws in that document. The ENF is also requesting funding to review that Decision and we do support that review (as noted below). However, until that review is completed, no additional trails should be added to the area, which already has a route density, not including paved roads, of nearly 5 miles/section, which far exceeds sustainability. The Forest is unable to maintain the trails that currently exist; the new trails proposed in this grant are redundant and unnecessary.

G12-02-03-D05 - Canyon Creek Area Trail Development – Except for the reroutes of the steep portions of the “1” trail, we oppose this project. Further development of the Rock Creek Trail area is not appropriate until after the completion of the Decision Review.

G12-02-03-P01 - Rock Creek Decision Review Planning – We strongly support this project. As the grant application describes, the information in the Rock Creek EIS is very dated. There is considerable new information regarding the area since the EIS was adopted, and the existing document cannot be relied on as adequate NEPA for events or further development.

G12-02-03-P02 - Strawberry 4 Wheel Drive Trail Meadow Mitigation Planning – It is premature and pre-decisional to consider this proposal. The SEIS is still receiving comments on the draft. The description of this trail is incorrect. The portion of the trail with a high degree of difficulty is beyond the capability of most vehicles and requires a modified 4x4. Birders, photographers and wildlife viewers access these meadows on foot, not vehicle. The trail would need to be relocated in its entirety to truly mitigate the

impacts to Strawberry Creek and the meadows. The application gives no indication of the amount of use the trail gets, to justify the cost of mitigation. The current “adopters” have allowed the trail to become severely degraded; the only indication the trail is adopted is signs saying so. The proposal shows pre-decisional bias, assuming this route will be re-opened, as evidenced by the fact that there is no corresponding restoration grant application, in the event the route is permanently closed in the SEIS Decision.

G12-02-03-P03 - Meadow Corrective Action Planning – We oppose this grant as written. As noted for the Strawberry 4 wheel Drive Mitigation Planning application, this proposal shows an appalling pre-decisional bias and appears to assume these seven routes will be re-opened. That is far from decided. Again, the Eldorado has not requested funding for restoration planning for these routes, in the event the SEIS Decision closes the routes.

G12-02-03-R01 - Placerville and Georgetown Route Restoration – We strongly support these projects.

G12-02-23-L01 - Law Enforcement – We support this grant, but believe its scope should be expanded to include patrols of residential areas subject to illegal OHV use on paved roads. One of the biggest ongoing complaints from the public regarding OHV use is the spillover from public to private lands of non-street legal OHV use. These grants can help provide that protection. In addition to patrols, the Eldorado must provide a phone number where the public can report illegal use and expect a timely response.

## **EL DORADO COUNTY**

G12-03-06-G01 - Ground Operations – We support this grant with the following changes:

1. The grant requests funding for toilet pumping. The Rubicon Trail Foundation received a significant grant in 2009 to purchase Unimog vehicles and tractor in order to pump the vault toilets along the Rubicon. RTF had indicated it would use volunteers to pump and clean toilets as its \$27,000 match portion of the grant; now it wants to charge the county \$8,200 for those services. El Dorado County wants to hire an additional contractor to pump the toilet vault; why? RTF should be doing this, or return the money it received from the grants for the Unimog. Why would the state buy RTF a pumper, then pay them to use it?

2. SMUD has a weather station at Loon Lake and shares its information freely; there is no need for the county to have another weather station to collect virtually the same data. The county has largely ignored any weather data this winter and in our view failed to fully comply with the terms of the recently granted easement, and failed to implement rational and transparent decision making procedures. Obtaining additional data is not the issue. .

G12-03-07-L01 - Law Enforcement – We support this grant with the following conditions:

1. Historically, many of the vehicles using the Rubicon Trail are neither street legal nor “green-sticker” registered. Some were street registered vehicles modified as extreme 4-wheelers, and no longer meet the requirements for street legal vehicles. Neither have they ever been registered as green sticker vehicles. Law Enforcement, however, has ignored this issue. In the grant application, the EDCSO agrees to enforce registration requirements; they should be held to this commitment and ensure that all vehicles using the RT are either licensed or registered with the green sticker program.
2. In a recent meeting with the County DOT, we were informed that there is no point ticketing users for illegal activity because the District will not prosecute OHV offenses. This is unacceptable and a waste of LE money. The State must get assurance from EDC District Attorney that they will vigorously prosecute all OHV citations issued on the Rubicon and elsewhere in the County.

Respectfully submitted,



Karen Schambach, President  
Center for Sierra Nevada Conservation



Lisa T. Belenky, Senior Attorney  
Center for Biological Diversity  
351 California St., Suite 600  
San Francisco, CA 94104  
415-632-5307  
lbelenky@biologicaldiversity.org

